

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

In the event the Examiner remains of the view that a rejection of the claims based on Boutwell and/or Izutani will be maintained in spite of the above-amendment and below remarks, the favor of a personal interview to discuss the invention and the applied art is respectfully solicited.

As a preliminary matter, it is noted that certified copies of the three priority documents were filed with this application on July 28, 2003. However, the Examiner's Form PTOL-326 does not acknowledge applicant's claim for priority nor confirm that the certified copies of the priority documents have been received. It is respectfully requested that receipt of the certified copies be acknowledged in the next Official Communication.

Claims 1-47 remain pending. Claims 11, 20, 21, 22 and 38 were indicated allowable and have been presented in independent form above.

Original claims 26 and 47 were rejected under 35 USC 112, second paragraph, as being indefinite. In this regard the Examiner advised that it was unclear whether the fuel tank forms a part of the claimed system. The preamble of claim 26 and the text of claim 47 have been revised to specify more particularly that the pump module is accommodated in a fuel tank. In view of the foregoing, reconsideration and withdrawal of the rejection of claims 26 and 47 is respectfully requested.

Original claims 1-5, 13-19 and 23-29 were rejected under 35 USC 102(b) as being anticipated by Boutwell. Applicant respectfully traverses this rejection.

As recited in independent claim 1 and 25-27, in an example embodiment of the invention, using reference numbers of illustrated example embodiments, the pressure

regulator 80,142,340 is disposed radially outside the outer circumference of the filter casing 62,122,132,154,164,184,212,242,322. The filter casing 62,122,132,154,164,184,212,242,322 accommodates the filter element 78,124,134. Here, the fuel is discharged from the fuel pump 32,156,170,190,202,302 through the filter element 78,124,134 so that the filter element 78,124,134 is disposed on a downstream side of the fuel pump 32,156,170,190,202,302. More specifically, the filter element 78,124,134 is disposed on a high-pressure side of the fuel pump 32,156,170,190,202,302. Consequently, the fuel filter 60,152,162,182,210,320 provides a high-pressure filter.

In contrast to the invention defined in claims 1 and 25-27, in Boutwell, the fuel filter 32 is disposed on an upstream side of the fuel pump 52, which is a low-pressure side of the fuel pump 52. Thus, the fuel filter 32 comprises a low-pressure filter. It is further respectfully noted that Boutwell does not disclose that the pump module 10 is accommodated in a fuel tank as is now more specifically recited in the preambles of claims 1 and 25-27. Accordingly, it is respectfully submitted that the invention of applicant's claims 1 and 25-27 is different from and non-obvious in view of Boutwell.

With regard to claim 29, claim 29 has been amended above to recite more specifically that the suction filter 58 faces the pressure regulator 80,142,340 in a radial direction of the fuel pump 32,156,170,190,202,302.

In Boutwell, in contrast to the invention defined by claim 29, the fuel filter as the suction filter is accommodated in the casing 20. Thus the invention of amended claim 29 is not anticipated by nor obvious from Boutwell.

In view of the foregoing, reconsideration and withdrawal of the rejection based on Boutwell is requested.

Claims 6-10, 25-37 and 39-47 were rejected under 35 USC 102(b) as being anticipated by Izutani. Applicant respectfully traverses this rejection.

As noted above, claims 25-27 specify that the pressure regulator is disposed radially outside the outer circumference of the filter casing and specify that the fuel filter is accommodated in a fuel tank.

In Izutani, the pressure regular 130 is disposed under the fuel casing 126. Accordingly, Izutani does not disclose that the pressure regular 130 is disposed radially outside the outer circumference of the filter casing 126. Therefore, the invention of claims 25-27 and the claims dependent therefrom is not anticipated by nor obvious from Izutani.

With regard to claim 6, as amended, claim 6 specifies that the check valve 79 is accommodated in the fuel inlet 68,166,218 of the filter casing 62,122,132,154,164,184, 212,242,322.

In contrast, in Izutani, the check valve is accommodated in the discharge pipe 112 of the fuel pump 110. Thus, the invention specified in claim 6 is clearly different from so as not to be anticipated by Izutani. The Examiner has not established that the claimed invention would have been obvious from Izutani to the skilled artisan.

With regard to claim 29, as noted above, claim 29 now provides that the suction filter 58 faces the pressure regulator 80,142,340 in a radial direction of the fuel pump 32,156,170,190,202,302. In Izutani, the suction filter 118 is on the opposite side of the filter housing from the pressure regulator 130, so that the suction filter 118 does not face the pressure regulator 130. Thus, the claim 29 is also different from so as not to be anticipated by Izutani.

Inasmuch as the record prior art does not teach or suggest the modification in Izutani so as to meet the limitations of applicant's claims, it is respectfully submitted that the invention is not obvious from Izutani either.

Claim 12 was rejected under 35 USC 103 as being unpatentable over Boutwell in view of Izutani. Claim 12 is submitted to be allowable for the reasons advanced above.

The Examiner's proposed combination of Boutwell and Izutani does not overcome the deficiencies of the respective references noted above so that claim 12 is submitted to be allowable as well.

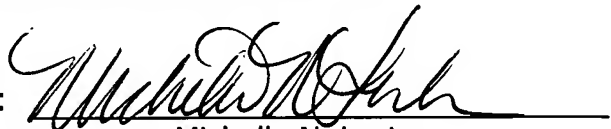
The Examiner noted that claims 11, 20-22 and 38 would be allowable is rewritten to overcome the rejection under 35 USC 112, second paragraph. It is noted in this regard that only claims 26 and 47 were rejected under 35 USC 112, second paragraph, and none of allowable dependent claims 11, 20-22 and/or 38 depended directly or indirectly from claims 26 and/or 47. Therefore, it is respectfully submitted that the allowability of these claims is not tied to the Examiner's formality rejection. Inasmuch as these claims have been presented in independent form above, it is respectfully requested that these claims now be allowed.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



Michelle N. Lester

Reg. No. 32,331

MNL:slj
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100